



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4461

Introduced 1/30/2012, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-9.5 new
740 ILCS 22/218.6 new
750 ILCS 60/224.5 new

Amends the Criminal Code of 1961. Creates the offense of making a false statement to obtain an order of protection or civil no contact order. Provides that a person commits the offense when he or she knowingly makes or causes to be made any false statement intending the statement to be relied upon in issuing or enforcing an order of protection or civil no contact order. Provides that a violation is a Class 3 felony. Amends the Civil No Contact Order Act and the Illinois Domestic Violence Act of 1986. Provides that whenever any person is found guilty of making a false statement to obtain an order of protection or civil no contact order and the issuing court materially relied on the false statement when it issued the order, then the issuing court shall vacate that order. Provides that in such case, all records relating to the petition filed under the respective Act shall be expunged. Provides that if the statement was not material to the issuance of the order, then the court shall modify the order to the extent justice requires.

LRB097 15663 RLC 62949 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning court orders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 32-9.5 as follows:

6 (720 ILCS 5/32-9.5 new)

7 Sec. 32-9.5. Making a false statement to obtain an order of
8 protection or civil no contact order.

9 (a) A person commits making a false statement to obtain an
10 order of protection or civil no contact order when he or she
11 knowingly makes or causes to be made any false statement
12 intending the statement to be relied upon in issuing or
13 enforcing an order of protection or civil no contact order.

14 (b) Sentence. Making a false statement to obtain an order
15 of protection or civil no contact order is a Class 3 felony.

16 Section 10. The Civil No Contact Order Act is amended by
17 adding Section 218.6 as follows:

18 (740 ILCS 22/218.6 new)

19 Sec. 218.6. Vacating civil no contact order. Whenever any
20 person has been found guilty of a violation of Section 32-9.5
21 of the Criminal Code of 1961 and the issuing court materially

1 relied on the false statement when it issued the order, then
2 the issuing court shall vacate that civil no contact order. In
3 that case, all records relating to the petition filed under
4 this Act shall be expunged. If the statement was not material
5 to the issuance of the order, then the court shall modify the
6 order to the extent justice requires.

7 Section 15. The Illinois Domestic Violence Act of 1986 is
8 amended by adding Section 224.5 as follows:

9 (750 ILCS 60/224.5 new)

10 Sec. 224.5. Vacating order of protection. Whenever any
11 person has been found guilty of a violation of Section 32-9.5
12 of the Criminal Code of 1961 and the issuing court materially
13 relied on the false statement when it issued the order, then
14 the issuing court shall vacate that order of protection. In
15 that case, all records relating to the petition filed under
16 this Act shall be expunged. If the statement was not material
17 to the issuance of the order, then the court shall modify the
18 order to the extent justice requires.